

Remarks

Claims 1-17 are pending and rejected under section 102(b) as being anticipated by Soulier (5,394,141). Please reconsider and reexamine the application in light of the following remarks. It is believed that the cited art does not anticipate the claims.

MPEP 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim... *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 recites "a plurality of sections of wired drill pipe joined together to form the antenna and a section where the antenna is integral with the metal pipework." Such is not disclosed in the Soulier reference, so the rejection is unsupported by the art and should be withdrawn. Soulier at column 4, lines 48-57 as cited corresponds to Soulier's Fig. 7 and col. 7, L. 60 to col. 8, L. 10. As such, there is no "wired drill pipe" only production tubing 35; there is no "wired drill pipe joined together to form the antenna" rather there is a cable 34 connecting transmitter to upper pole P1 and to the tubing 35 by collar 37 (and another collar 36 connecting the transmitter 14 to the tubing at the point of lower pole P2); and there is no "antenna integral with the metal pipework" as in Soulier the apparatus is separated and only connected at the poles P1 and P2 by separate collars 36 and 37 (the discussion at col. 8, L. 5-10 only discloses that the transmitter 14 is sheathed inside a continuous metal jacket). Note that paragraph [005] of the Applicant's specification defines "wired drill pipe" stating: *[f]or purposes of this application, the following definition is intended to apply. The*

term "wired drill pipe" shall mean drill pipe sections having wire preinstalled and secured within the interior of the drill pipe section in a manner where a conductive path is formed through a like drill pipe section having preinstalled wire when the like drill pipe section is adjoined to the end of the preceding drill pipe section. An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). MPEP 2111.01. Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. MPEP 2111.01.

Claim 5 recites "a wire embedded into the wall of the drill pipe casing." Such is not disclosed in the Soulier reference (col. 6, L. 45-52 of Soulier only discloses the poles P1 and P2 on the wall of the string 27), so the rejection is unsupported by the art and should be withdrawn.

Claim 6 recites "installing one end of the section of wired drill pipe... installing a conventional metal pipework to the other end of the section of wired drill pipe; and using the section of wired drill pipe as an antenna". Such is not disclosed in the Soulier reference because there is no "wired drill pipe", so the rejection is unsupported by the art and should be withdrawn.

Claim 10 recites "a plurality of sections of wired drill pipe joined together to form the antenna, wherein one end of said plurality of sections of wired drill pipe is connected to the metal pipework and another end is connected to the downhole equipment." Such is not disclosed in the Soulier reference, so the rejection is unsupported by the art and should be withdrawn. Soulier at column 4, lines 48-57 as cited corresponds to Soulier's Fig. 7 and col. 7, L. 60 to col. 8, L. 10. As such, there is no "wired drill pipe" only production tubing 35; and there is no "wired drill pipe joined together to form the antenna" rather there is a cable 34 connecting transmitter to upper pole P1 and to the tubing 35 by collar 37 (and

another collar 36 connecting the transmitter 14 to the tubing at the point of lower pole P2).

Claim 15 recites "joining a plurality of sections of wired drill pipe together to form the antenna; and connecting the plurality of sections of wired drill pipe". Such is not disclosed in the Soulier reference because there is no "wired drill pipe", so the rejection is unsupported by the art and should be withdrawn.

It is further believed that the Soulier reference is not sufficiently enabling, i.e., it does not sufficiently describe the claimed invention to have placed the public in possession of it.

The remaining rejected claims being dependent upon one of the above discussed claims are also believed to be patentable. Please reconsider and reexamine the application, and telephone the undersigned attorney if it could help to expedite the resolution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mark Oathout", written over a horizontal line.

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